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ABSTRACT

Democracy entails the concept of orderly liberty, a concept that implies both obedience and constructive skepticism. Since teaching youngsters to be democratic citizens is a central concern of civic education, we must be concerned about whether our youth acquire this concept of orderly liberty. Studies indicate that American youth tend to value law and order, however, they tend to be unable to indicate a profound knowledge of the functions of law. The beliefs of American youth about the functions of law vary with age. In the 10-14 year age group, they stress the negative, coercive function of law and the value of single-minded obedience to law. Older youth, the 14-18 year age group hold more complex beliefs and are more likely to think critically about particular laws and authorities. However, they still display tendencies toward intolerance of particular types of dissent. These findings raise important questions about instructional priorities. How can civic educators more effectively: 1) teach students that civil liberties are necessary to a democratic approach to law and order; 2) teach students that equality before the law is necessary to justice; 3) design instruction which helps students to acquire more profound knowledge about law and order and human rights; and 4) tak e advantage of the age when the greatest increase in political learning and ability to deal in abstractions takes place, 11-13?
(Author/JLB)

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Beliefs of American Youth About Law and Order: Indicators of Instructional Priorities*

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I. The Meaning of Law and Order in a Democratic Society

In every modern society, public schools are expected to transmit the legal heritage and to instill respect for law and order. In our society the principle of law has been viewed as both a bulwark of stability and guarantor of freedom and justice. Theodore Roosevelt expressed a prevailing American ideal when he said: "No nation ever yet retained its freedom for any length of time after losing respect for the law, after losing the law-abiding spirit, the spirit that really makes orderly liberty."[1]

"Orderly liberty" is a very complex concept. It entails both obedience and constructive skepticism; it requires both respect for authority and constructive criticism of authorities, and it is based upon a paradox, the simultaneous acceptance of majority rule and the protection of minority rights.

Democracy entails the concept of "orderly liberty." A democracy requires citizens who are both compliant and independent, who will demonstrate obedience to the law while retaining a spirit of constructive criticism and reasonable dissent. Since teaching youngsters to be democratic citizens is a central concern of civic education in our society, we must be concerned about whether our youth acquire the concept of "orderly liberty." Recent research provides clues about the extent to which our youngsters acquire democratic beliefs about law and order and indicates instructional priorities for civic educators.

II. Beliefs of American Youth About Law and Order

Most American youngsters recognize the need for rules and laws and can state at least one positive purpose served by law. Our youth appear to understand that the essential function of law is to regulate human relationships for the purpose of minimizing disorder and protecting the rights of individuals.[2]

American youth tend to value law and order. A nationally representative sample of young people, ages 17-23, indicated overwhelmingly that they would welcome "more emphasis on law and order"[3] and could easily accept "the power and authority of the police."[4] Only 11 per cent of this sample said that they would "reject outright" the duty to abide by laws they don't agree with."[5]

However, American youth tend to be unable to indicate a profound knowledge of the functions of law. Only 24 per cent of a nationally representative sample of seventeen-year-olds could state as many as four reasons why laws are needed. Only 15 per cent of an equivalent sample of thirteen-year-olds could state four reasons why laws are needed.[6]

The beliefs of American youth about the functions of law vary with age. Younger children, the 10-14 age group, stress the negative coercive function of law and the value of single-minded obedience to law.[7] They see themselves as relatively powerless against authorities.[8] Youngsters of the 10-14 age group also tend to hold highly personalized beliefs about law. They view legal issues and institutions in a concrete, egocentric manner. They tend to attribute personal qualities to legal institutions and to demonstrate incapability to think abstractly about either legal principles or the potential social consequences of legal actions.[9]

In contrast, older youth, the 14-18 age group, hold more complex beliefs about law and order. They tend to stress the administrative and service function of government and law and to view law positively. They are more likely to emphasize the potentiality of law to enhance human rights and capabilities. Older youngsters tend to be able to think abstractly about the law and about legal institutions and to ponder the possible social consequences of legal decisions.[10]

Older youngsters are less likely to believe that all laws are fair and are much more likely to criticize particular laws as unjust or as unfairly administered. Older youngsters are more likely to believe that equality is basic to justice and that it is legitimate to break a law in the name of equality or justice.[11]

Although older youngsters are more likely than preadolescents to think critically about particular laws and authorities, they still display tendencies toward intolerance of particular types of dissent. For example, only 25 per cent of a nationally representative sample of thirteen-year-olds would allow the expression of atheistic or agnostic beliefs on television. Less than half of the seventeen-year-olds in this sample would tolerate the public expression of these unorthodox beliefs. Only 3 per cent of these thirteen-year-olds and 17 per cent of the seventeen-year-olds specified freedom of speech as a reason to allow the expression of unorthodox beliefs on television.[12] Only 55 per cent of this sample of thirteen-year-olds believe that "it is all right for a person to tell other people if he thinks the Governor or President is doing a bad job and can give a reason why in terms of free speech."[13] Only a slight majority, 53 per cent, of another national sample of eighth-graders agrees that free speech is fundamental to democracy.[14]

American adolescents appear to value coercive aspects of law and order more strongly than equal opportunity within a legal framework. Seventy-eight per cent of a nationally representative sample of adolescents, ages 17-23, agreed that "there is too much concern with equality and too little with law and order."[15] Another nationally representative sample of American adolescents indicated slight awareness of the difficulties which some minority groups have experienced in trying to achieve equality before the law or in other areas of life. Only 41 per cent of the thirteen-year-olds in this sample could cite at least one example of racial discrimination in the United States; only 13 per cent could cite at least one example of religious discrimination. Only 15 per cent of the seventeen-year-olds in the sample could cite at least one example of religious discrimination.[16]

III. Instructional Priorities

The preceding review of research raises several important questions about instructional priorities for those who wish our youth to acquire democratic beliefs about law and order. First, if we really believe that protection of the rights of dissenters and of the privilege of constructive criticism of law is basic to the meaning of democracy, and if we believe that civic education must be concerned with teaching about democratic political beliefs, then we must be disturbed about the tendencies of our youngsters to express intolerance of particular types of dissent. While older youth are less likely than pre-adolescents to be intolerant of the rights of dissenters to free speech, they hardly display well-developed libertarian sentiments. How can civic educators more effectively teach students that civil liberties are necessary to a democratic approach to law and order? How can civic educators more effectively teach students that a rigid absolutistic approach to law and order, which vitiates constructive criticism of legal norms, is inimical to democracy?

Second, many adolescents do not appear to recognize discrimination against minority racial and religious groups as an important problem associated with law and order in our society. How can civic educators more effectively teach students that equality before the law is necessary to justice and that without justice there can be no democracy?

Third, while our youngsters appear to value law and order, they do not demonstrate a deep understanding of the functions of law. Most secondary school textbooks have provided little help to teachers and students who would seek a profound knowledge of law and order in our society. Most civics and government textbooks have not presented accurate, realistic, honest, or complex lessons about law and order. Ugly problems, such as the unequal distribution of justice among various social groups in our society, have been ignored. Facts and value judgments have been confounded and gaps between our most cherished ideals and reality have not been discussed. Legal issues usually have been discussed simplistically in either-or terms rather than in terms of degrees of right and wrong, which would be a more accurate reflection of value conflicts in our complex social order.[17] How can civic educators design instruction which helps students to acquire more profound knowledge about law and order and about human rights within a legal framework?

Fourth, studies by developmental psychologists indicate that eighth-graders are able to deal with profound studies of political and legal issues. Prior to age thirteen, most children do not have the cognitive capacity to engage in complex mental operations about political or legal processes. However, the thirteen-year-old is at the threshold of ability to deal with political and legal abstractions, to reason from premises, to engage in hypothetico-deductive modes of analysis. The fifteen-year-old can think competently and consistently in terms of legal and/or political abstractions. There appears to be no substantial difference between the ability of fifteen-year-olds and eighteen-year-olds to deal with political and/or legal abstractions.[18] The most extensive increase in political learning and in the ability to think and grasp abstractions takes place between ages 11 and 13, when the absolutistic thinking style of early childhood seems to soften.[19] Would civic educators be able to contribute greatly to the development

of more complex styles of thinking about law and order if they concentrated their efforts on children in the 11 to 13 age group? Perhaps we have tended to underestimate the cognitive capacities of seventh and eighth graders. Has this underestimation contributed to the somewhat shallow and one-sided comprehension of law and order expressed by many youngsters, especially preadolescent youngsters?

Several innovative sets of instructional materials have been published recently which pertain to the preceding instructional priorities and which might contribute to more profound student understanding of legal issues and political activity relevant to law and order and individual rights.[20] Perhaps research studies of the 1970's will demonstrate that these materials can contribute substantially to the alleviation of deficient understanding of what law and order means in a democratic society.

References

1. National Commission on the Causes and Prevention of Violence, To Establish Justice, To Insure Domestic Tranquility. (New York: Award Books, 1969) p. 144.

2. Education Commission of the States, National Assessment of Educational Progress: Citizenship. (Washington: U.S. Government Printing Office, 1970) p. 37.

3. Daniel Yankelovich, Generations Apart. (Columbia Broadcasting System, 1969) p.6.

4. Ibid., p. 19.

5. Ibid., p. 18.

6. Education Commission of States, National Assessment of Educational Progress: Citizenship, p. 4.

7. Joseph Adelson and Robert O'Neill, "The Growth of Political Ideas in Adolescence: The Sense of Community" Journal of Personality and Social Psychology 4 (September, 1966) pp. 295-306; June L. Tapp, " A Child's Garden of Law and Order," Psychology Today 4 (December, 1970) pp. 29-31, 62-64; A. Morrison and D. McIntyre, Schools and Socialization. (Middlexes, England: Penguin Books Inc., 1971) p. 134.

8. Morrison and McIntyre, Schools and Socialization, p. 134.

9. Adelson and O'Neil, "The Growth of Political Ideas in Adolescence," pp. 295-306.

10. Ibid.

11. Tapp, p. 62, 64.

12. Education Commission of the States, National Assessment of Educational Progress: Citizenship, p. 35.

13. Ibid., p. 36.

14. David Easton and Jack Dennis, "Politics in the School Curriculum," in Irving Morrissett and W. Williams Stevens, Jr., editors, Social Science in the Schools. (New York: Holt, Rinehart and Winston, Inc., 1971) pp. 77-78.

15. Education Commission of the States, National Assessment of Educational Progress: Citizenship, p. 22.

16. Ibid., p. 24.

17. Report of the American Political Science Association Committee on Pre-Collegiate Education, "Political Education in the Public Schools: The Challenge for Political Science," PS, Newsletter of the American Political Science Association 4 (Summer, 1971).

18. Adelson and O'Neill, pp. 305-306.

19. Ibid.

20. See the following new text materials. Howard D. Mehlinger and John J. Patrick, American Political Behavior. (Lexington, Massachusetts: Ginn and Company, 1972); Donald Oliver and Fred M. Newmann, Public Issues Series. (Middleton, Connecticut: American Education Publications, 1970); Robert H. Ratcliffe, director, Justice in Urban America. (Boston: Houghton Mifflin Company, 1970).